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50. A method for producing a negative strand RNA virus, comprising culturing a host cell transfected with plasmid DNAs containing a nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, and with plasmid DNAs containing nucleotide sequences which encode an RNA polymerase protein, and recovering a virus from culture.

REMARKS

Claims 35 through 53 are currently pending. Claims 35, 36, 38, 40, 43, 48, 49 and 50 are amended herein. The Amendment introduces no new matter and support for the changes is replete throughout the specification and previously filed claims.

As helpfully pointed out by the Examiner, the Reply filed June 19, 2001, contained word usage which varied between the text of the reply, the clean copy of the claims and the marked up copy of the claims (e.g., "proteins" in the marked up copy as opposed to "protein" in the clean copy, etc.). In some instances the desired word appeared in the marked up version while sometimes it was in the clean version. Furthermore, based upon the June 19, 2001 reply, amendments entered through subsequent responses contained similar variable word usage between the claims. The current Amendment corrects such variations and makes the terminology used consistent throughout the claims. It will be noted that for some claims, e.g., claim 43, word variability in the June 19, 2001 reply was subsequently altered in later actions (e.g., in the August 30, 2001 response). However, since such change was not formalized, the current amendment is made as if the language of the June 19, 2001 response were still present.

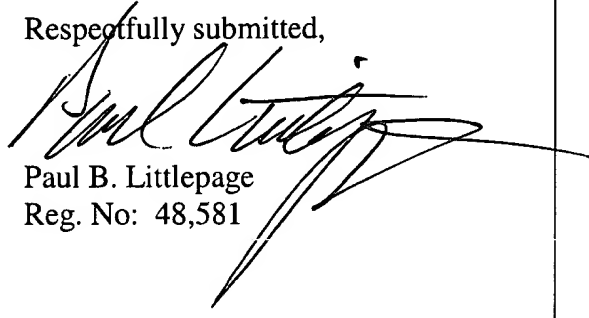
Applicants also submit a supplemental IDS and Form 1449 herewith.

Applicants submit that no new matter has been added to the application by the current Amendment. Accordingly, entry of the Amendment is respectfully requested. In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event that any issues of substance are perceived to remain, Applicants request that the Examiner contact the undersigned at 510-337-7871 to arrange for a telephonic interview, prior to preparation of any additional Office Action or Communication.

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Respectfully submitted,


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APPENDIX A

"MARKED UP" CLAIMS ILLUSTRATING THE AMENDMENTS MADE TO THE
CLAIMS OF 09/396,539 WITH ENTRY OF THIS AMENDMENT

35. A method ~~[of]~~for producing a chimeric negative strand RNA virus, comprising culturing a host cell transfected with plasmid cDNAs containing a heterologous nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, wherein the host cell expresses a polymerase ~~[proteins]~~protein, and recovering a chimeric virus from culture.
36. The method of Claim 35 wherein the host cell constitutively expresses the polymerase ~~[proteins]~~protein.
38. A method for producing a chimeric negative strand RNA virus, comprising culturing a host cell transfected with plasmid DNAs containing a heterologous nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, and with plasmid DNAs containing nucleotide sequences which encode an RNA polymerase ~~[proteins]~~protein, and recovering a chimeric virus from culture.
40. The method of Claim 39 wherein the heterologous RNA segment is derived from another ~~[strand]~~strain of influenza virus.
43. ~~[A]~~The method of Claim 42 wherein the host cell constitutively expresses ~~[a]~~the polymerase ~~[proteins]~~protein.
48. A method for producing a negative strand RNA virus, comprising culturing a host cell transfected with plasmid cDNAs containing a nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, wherein the host cell expresses a polymerase ~~[proteins]~~protein, and recovering a virus from culture.
49. The method of Claim 48 wherein the host cell constitutively expresses the polymerase ~~[proteins]~~protein.
50. A method for producing a negative strand RNA virus, comprising culturing a host cell transfected with plasmid DNAs containing a nucleotide sequence operatively

linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, and with plasmid DNAs containing nucleotide sequences which encode an RNA polymerase **[proteins]protein**, and recovering a virus from culture.

APPENDIX B

CLAIMS PENDING IN USSN 09/396,539 WITH ENTRY OF THIS AMENDMENT

35. A method for producing a chimeric negative strand RNA virus, comprising culturing host cell transfected with plasmid cDNAs containing a heterologous nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, wherein the host cell expresses a polymerase protein, and recovering a chimeric virus from culture.
36. The method of Claim 35 wherein the host cell constitutively expresses the polymerase protein.
37. A chimeric virus recovered from the method of Claim 35.
38. A method for producing a chimeric negative strand RNA virus, comprising culturing a host cell transfected with plasmid DNAs containing a heterologous nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, and with plasmid DNAs containing nucleotide sequences which encode an RNA polymerase protein, and recovering a chimeric virus from culture.
39. The method of Claim 38 wherein the chimeric virus is influenza virus.
40. The method of Claim 39 wherein the heterologous RNA segment is derived from another strain of influenza virus.
41. A chimeric virus recovered from the method of Claim 39.
42. A method for producing a chimeric negative strand RNA virus comprising culturing a host cell transfected with plasmid cDNAs containing the nucleotide sequences encoding eight genomic segments from different strains of influenza virus, each of the segments comprising the reverse complement of an mRNA coding sequence for an RNA-directed RNA polymerase of a negative strand virus, wherein the host cell expresses an RNA polymerase protein, and recovering a chimeric virus from culture.
43. The method of Claim 42 wherein the host cell constitutively expresses the polymerase protein.
44. A chimeric virus recovered from the method of Claim 42.

45. A method of producing a chimeric negative strand RNA virus, comprising culturing a host cell transfected with plasmid cDNAs containing a heterologous nucleotide sequence comprising a sequence mutated from a wildtype sequence of the negative strand RNA virus, operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, wherein the host cell expresses a polymerase protein and recovering a chimeric virus from culture.
46. The method of claim 45 wherein the sequence mutated is a site specific mutation.
47. The method of claim 45 wherein the virus is influenza.
48. A method for producing a negative strand RNA virus, comprising culturing a host cell transfected with plasmid cDNAs containing a nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, wherein the host cell expresses a polymerase protein, and recovering a virus from culture.
49. The method of Claim 48 wherein the host cell constitutively expresses the polymerase protein.
50. A method for producing a negative strand RNA virus, comprising culturing a host cell transfected with plasmid DNAs containing a nucleotide sequence operatively linked to a binding site specific for an RNA-directed RNA polymerase of a negative strand RNA virus, and with plasmid DNAs containing nucleotide sequences which encode an RNA polymerase protein, and recovering a virus from culture.
51. The method of Claim 48 or 50 wherein the virus is influenza virus.
52. The method of Claim 48 or 50 wherein the plasmid DNA contains a heterologous nucleotide sequence.
53. A virus recovered from the method of Claim 52.